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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,) Case No. 2:20-cr-00023-KJM
11 Plaintiff,)
12 vs.) **REQUEST TO EXCEED PAGE LIMITS
AND ORDER**
13 LAWRENCE EMIT MACKEN) Date: May 17, 2021
14) Time: 9:00 A.M.
15 Defendant.) Court: Honorable Kimberly J. Mueller

16 The defense respectfully files this request to exceed the page limit of 20 pages, as
17 prescribed by this Court's criminal standing order, in regards to Mr. Macken's motion to dismiss
18 the indictment based on a Speedy Trial violation. The motion is just over 24 pages long.

19 The defense believes that allowing the extra 4 pages will materially assist the Court in
20 ruling on this motion in light of the extensive number of legal issues raised. Further, to preserve
21 Mr. Macken's rights to appeal on the issue of a speedy trial violation, the defense must identify
22 each basis for the asserted violation. *See, e.g., United States v. Ray*, 899 F.3d 852, 861 (10th Cir.
23 2018), *cert. denied*, 139 S. Ct. 1206 (2019) ("a defendant's pretrial motion to dismiss under the
24 STA must include the specific STA objection that he or she raises on appeal; otherwise that
25 objection is waived"; defendant's claim that district court mistook his statements as a motion for
discovery was waived when not raised in motion to dismiss). The procedural history and
26 statement of the facts in the record relevant to the legal analysis constitute close to seven pages
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1 of the motion. The legal argument presents several independent grounds for a violation of the
2 statutory speedy trial right (11 pages) as well as the argument related to a constitutional speedy
3 trial violation (six pages).

4 In light of the many issues raised, and the extensive procedural record the motion relies
5 on, the defense requests that this Court allow the additional four pages of briefing so that the
6 motion can be fully and clearly presented to the Court and so that Mr. Macken's appellate rights
7 may be preserved.

8 Dated: April 5, 2021

9 HEATHER E. WILLIAMS
10 Federal Defender

11 */s/ Hannah Labaree*
12 HANNAH LABAREE
13 Assistant Federal Defender
14 Attorney for Defendant
15 LAWRENCE EMIT MACKEN

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ORDER

IT IS HEREBY ORDERED that the defendant's request to exceed the page limit (ECF No. 114) as to his Motion to Dismiss is GRANTED.

DATED: April 26, 2021.

CHIEF UNITED STATES DISTRICT JUDGE